

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re

David Wayne Schneider
221 Harwick Drive
North Chesterfield, VA 23236
SSN/ITIN: xxx-xx-2942,

Case No. 21-30347-KLP
Chapter 7

Debtor(s).

**NOTICE OF MOTION TO EXTEND TIME
(1) TO OBJECT TO DISCHARGE AND (2) TO FILE A
MOTION TO DISMISS PURSUANT TO 11 U.S.C. § 707**

PLEASE TAKE NOTICE THAT the United States Trustee has filed with the Court a **Motion To Extend Time (1) To Object To Discharge And (2) To File A Motion To Dismiss Pursuant To 11 U.S.C. § 707** (the "Motion") in the above-captioned case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought in the Motion or if you want the Court to consider your views on the Motion, then on or before **May 17, 2021**, you or your attorney must:

(X) File with the Court, at the address below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. You must mail or otherwise file it early enough so the Court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street – Suite 4000
Richmond, Virginia 23219

You must also mail a copy to:

Shannon Pecoraro, Esq.
Office of the United States Trustee
701 East Broad Street - Suite 4304
Richmond, VA 23219

Kathryn R. Montgomery, Esq., AUST (Va. Bar No. 42380)
Shannon Pecoraro, Esq. (Va. Bar No. 46864)
Jason B. Shorter, Esq. (Va. Bar No. 80989)
Office of the United States Trustee
701 East Broad Street - Suite 4304
Richmond, VA 23219
Telephone (804) 771-2310
Facsimile (804) 771-2330

(X) Attend a hearing, which may be scheduled at a later date. You will receive a separate notice of hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order granting the relief requested.

JOHN P. FITZGERALD, III
Acting United States Trustee
Region Four

Date: May 3, 2021

/s/ Shannon Pecoraro
Shannon Pecoraro, Esq.
Office of the United States Trustee
701 East Broad Street - Suite 4304
Richmond, VA 23219
Telephone (804) 771-2310
Facsimile (804) 771-2330

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2021, a true copy of the foregoing was served via electronic mail pursuant to the Administrative Procedures of the CM/ECF System for the United States Bankruptcy Court for the Eastern District of Virginia to all necessary parties. In addition, a copy was mailed to the following:

David Wayne Schneider
221 Harwick Drive
North Chesterfield, VA 23236

/s/ Shannon Pecoraro
Shannon Pecoraro
Trial Attorney

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re

David Wayne Schneider,
Debtor(s).

Case No. 21-30347-KLP
Chapter 7

**MOTION TO EXTEND TIME TO (1) OBJECT TO DISCHARGE AND
(2) TO FILE A MOTION TO DISMISS PURSUANT TO 11 U.S.C. § 707**

COMES NOW JOHN P. FITZGERALD, III, the Acting United States Trustee for the Eastern District of Virginia (the "United States Trustee"), through the undersigned counsel and pursuant to §§ 707 and 727 of 11 U.S.C. §§ 101, et seq. (the "Bankruptcy Code") and Bankruptcy Rules 1017(e)(1), 4004, 4007 and 9006(b) of the Federal Rules of Bankruptcy Procedure, hereby requests this Court to extend the time to object to the above-captioned Debtor's (the "Debtor") discharge and to extend time to file a motion to dismiss this case. In support of this request, the United States Trustee states as follows:

1. This is a core proceeding concerning the administration of this estate pursuant to 28 U.S.C. §157(b)(2)(A) and 28 U.S.C. § 1334.
2. On or about February 2, 2021, the Debtor filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code.
3. Peter J. Barrett (the "Chapter 7 Trustee") was appointed trustee and continues to serve as trustee in this bankruptcy case.
4. The Chapter 7 Trustee has requested certain documentation in this case and is in the process of analyzing assets in the case. The United States Trustee is also reviewing the

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documentation in this case in furtherance of his duties.

5. The adjourned § 341 meeting is scheduled for May 11, 2021, which is after the expiration of the current deadlines under §§ 707(b) and 727.

6. In the Schedules of Assets and Liabilities (the “Schedules”), the Debtor lists total unsecured debt of \$108,462.00.

7. On Schedule I, the Debtor lists total gross monthly income of \$4,333.33, and Combined Average Monthly Income of \$2,418.82.

8. Based upon the above, the United States Trustee requests an extension of time to file a motion to dismiss this case pursuant to Bankruptcy Code § 707 and/or to object to the Debtors’ discharge pursuant to Bankruptcy Code § 727.

9. The circumstances set forth above constitute sufficient cause for granting the requested extension of time.

10. There have been no previous extensions of time filed in this case and the deadline expires May 3, 2021.

WHEREFORE, the United States Trustee requests this Court to extend the date to file a motion to dismiss pursuant to Bankruptcy Code § 707 and/or to object to the Debtor’s discharge pursuant to Bankruptcy Code § 727 through and including, August 2, 2021, and for such other relief as this Court deems just.

Respectfully requested

JOHN P. FITZGERALD, III
Acting United States Trustee
Region Four

Date: May 3, 2021

By: /s/ Shannon Pecoraro
Shannon Pecoraro
Trial Attorney

CERTIFICATE OF SERVICE

I do hereby certify that on May 3, 2021, a true copy of the foregoing was served via electronic mail pursuant to the Administrative Procedures of the CM/ECF System for the United States Bankruptcy Court for the Eastern District of Virginia to all necessary parties. In addition, a copy was mailed to the following:

David Wayne Schneider
221 Harwick Drive
North Chesterfield, VA 23236

/s/ Shannon Pecoraro
Shannon Pecoraro, Esq.
Trial Attorney
Office of the United States Trustee
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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re

David Wayne Schneider,

Debtor(s).

Case No. 21-30347-KLP
Chapter 7

**ORDER EXTENDING TIME (1) TO FILE A COMPLAINT
TO OBJECT TO THE DISCHARGE AND (2) TO FILE A
MOTION TO DISMISS PURSUANT TO 11 U.S.C. § 707**

This matter came before the Court upon the United States Trustee's Motion To Extend Time (1) To Object To Discharge And (2) To File A Motion To Dismiss Pursuant To 11 U.S.C. §707 (the "Motion"), and it appearing that due notice was given and that good cause exists to grant the relief sought in the Motion, it is hereby ORDERED:

1. The Motion is GRANTED.
2. Capitalized terms not otherwise defined herein shall have the meanings given to them in the Motion.
3. The last day to file a complaint to object to the above captioned Debtor's discharge or to file a motion to dismiss this case is extended through and including August 2, 2021.
4. Upon entry, the Clerk is directed to send a copy of this Order to all parties on the service list attached hereto.

Dated:

Keith L. Phillips
Bankruptcy Judge
United States Bankruptcy Court

Kathryn R. Montgomery, Esq., AUST (Va. Bar No. 42380)
Shannon Pecoraro, Esq. (Va. Bar No. 46864)
Jason B. Shorter, Esq. (Va. Bar No. 80989)
Office of the United States Trustee
701 East Broad Street - Suite 4304
Richmond, VA 23219
Telephone (804) 771-2310
Facsimile (804) 771-2330

I ask for this:

/s/ Shannon Pecoraro
Shannon Pecoraro, Esq.
Office of the United States Trustee
701 East Broad Street - Suite 4304
Richmond, VA 23219

CERTIFICATION

I hereby certify that this Order has been either served on or endorsed by all necessary parties.

/s/ Shannon Pecoraro
Shannon Pecoraro

SERVICE LIST

David Wayne Schneider
221 Harwick Drive
North Chesterfield, VA 23236

James E. Kane, Esq.
Kane & Papa, PC
1313 East Cary Street
P. O. Box 508
Richmond, VA 23218-0508

Peter J. Barrett, Esq.
Kutak Rock LLP
901 E. Byrd Street, Suite 1000
Richmond, VA 23219

Shannon Pecoraro, Esq.
Trial Attorney
Office of the United States Trustee
701 East Broad Street - Suite 4304
Richmond, VA 23219